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May 14, 2007

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VIA FACSIMILE

The Honorable George A. Yanthis
United States Magistrate Judge
United States Courthouse
300 Quarropas Street, Room 118
White Plains, New York 10601-4150

Re: *In re Veeco Instruments Inc. Sec. Litig.*, 05 MD 1695 (CM)(GAY)

Dear Magistrate Judge Yanthis:

I am counsel to Defendants. I write in response to Arthur Stock's May 14, 2007 letter regarding the depositions of the parties' accounting experts.

Mr. Stock's letter is more noteworthy for what it admits and concedes than for what it says. Lead Plaintiff currently is shielding its own witnesses from questioning when in the past it has successfully pressed for the deposition of Veeco witnesses (e.g. Mr. Kiernan) on days that were convenient for it, but not for Veeco. What's sauce for the goose should be sauce for the gander.

Mr. Stock does not dispute any of the following points, all of which were set forth in my May 11, 2007 letter to the Court:

- The parties did not discuss the scheduling of Mr. Berliner's deposition until May 3, 2007 because Defendants' expert report was not even due until May 9, 2007. As Mr. Stock surely knows, it is standard to conduct expert depositions after both sides have submitted expert reports.
- The parties' difficulty in scheduling around Mr. Berliner's vacation plans is solely the fault of Lead Plaintiff. Lead Plaintiff's and Defendants' accounting expert

SO ORDERED:

George A. Yanthis
Hon. George A. Yanthis
United States Magistrate Judge.

5/15/07

Client No.
T 94625-00001

Parties are directed to confer and make good faith efforts to schedule depositions of experts Berliner and Fenster as soon as possible but no later than May 30, 2007. All other dates set by Judge McManis remain the same.